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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 MONICA WYNIA,

12 Plaintiff,

13 v.

14 NANCY A. BERRYHILL, Deputy
15 Commissioner of Social Security for
16 Operations,

17 Defendant.

18 CASE NO. 3:17-CV-05783-JRC

19 ORDER GRANTING STIPULATED
20 MOTION TO REMAND

21 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
22 Magistrate Judge Rule MJR 13. (*See also* Consent to Proceed before a United States Magistrate
23 Judge, Dkt. 2.) This matter is before the Court on defendant's stipulated motion to remand the
24 matter to the Deputy Commissioner for further consideration. (Dkt. 19.)

25 After reviewing defendant's stipulated motion and the remaining record, the Court grants
26 defendant's motion, and reverses and remands this matter to the Deputy Commissioner.

27 On remand, based on the parties' stipulation, the Appeals Council will remand this case
28 to an Administrative Law Judge ("the ALJ") to:

- 1) Evaluate reopening plaintiff's prior application filed on August 29, 2011, given that the decision at issue adjudicates this case beginning on an alleged onset date of August 11, 2011;
 - 2) Evaluate further whether plaintiff has performed substantial gainful activity during the period at issue, and continue with the sequential evaluation process, including an assessment of plaintiff's testimony and her residual functional capacity;
 - 3) Obtain supplemental vocational expert evidence regarding plaintiff's work history and/or, as warranted, whether there are a significant number of jobs in the national economy that she can perform; and
 - 4) Consider evidence previously submitted by plaintiff, as well as any new and material evidence that may be submitted.

The ALJ will offer plaintiff an opportunity for a hearing. Plaintiff may present new arguments and further medical evidence, if such evidence becomes available. The ALJ will issue a new decision.

This case is reversed and remanded on the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Following proper presentation, this Court will consider plaintiff's application for attorney's fees and costs under 28 U.S.C. §§ 1920 and 2412(d).

Given the facts and the parties' stipulation, the Court hereby orders that the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 31st day of May, 2018.


J. Richard Creatura
United States Magistrate Judge